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BEFORE THE ARIZONA CORPORATION COMMISSION

25 June

COMMISSIONERS

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Arizona Corporation Commission

DOCKETED

JEFF HATCH-MILLER, Chairman

WILLIAM A. MUNDELL

MARC SPITZER

MIKE GLEASON

KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

JUN 21 2005

DOCKETED

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IN THE MATTER OF THE APPLICATION OF
JOHNSON UTILITIES COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR WATER
SERVICE.

DOCKET NO. WS-02987A-05-0088

PROCEDURAL ORDER

BY THE COMMISSION:

On February 11, 2005, Johnson Utilities Company ("Johnson" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an Application for an extension of its Certificate of Convenience and Necessity ("Certificate") to provide water service to a development known as Quail Run in Pinal County, Arizona.

By Procedural Order issued April 12, 2005, a hearing was scheduled in this matter for July 13, 2005, at the offices of the Commission.

On May 12, 2005, counsel for Johnson, Jay Shapiro of Fennemore Craig, P.C., filed a Notice of Withdrawal as Counsel of Record. The Notice of Withdrawal stated that Richard Sallquist will be taking over representation of Johnson and all future correspondence should be directed to Mr. Sallquist.

By Procedural Order issued June 3, 2005, counsel for record for Johnson Utilities Company, Jay Shapiro of Fennemore Craig, P.C., was ordered to file an Application for Withdrawal as Counsel in accordance with the requirements of A.A.C. R14-3-104(E).

On June 8, 2005, Mr. Shapiro filed an Application of Withdrawal as Counsel stating that withdrawal is necessary and in the public interest because Mr. Shapiro is not authorized to act on behalf of Johnson Utilities and has been instructed to withdraw as counsel, and because Mr. Sallquist has already been retained to represent Johnson.

On June 13, 2005, Richard Sallquist of the firm Sallquist & Drummond, P.C., filed an

1 Application for Substitution of Counsel requesting authorization to appear on behalf of Johnson in
2 this matter.

3 On June 1, 2005, Diversified Water Utilities, Inc. ("Diversified") filed an Application to
4 Intervene stating that it opposes Johnson's application in this proceeding because Diversified is better
5 able to serve the area sought by Johnson. To date, no opposition to Diversified's request for
6 intervention has been filed in this docket.

7 On June 17, 2005, Standard Pacific of Arizona, Inc. ("Standard Pacific") filed an Application
8 for Leave to Intervene¹. Standard Pacific states that it owns the property that is the subject of
9 Johnson's CC&N extension request, and thus it will be directly and substantially affected by the
10 Decision rendered in this proceeding. Standard Pacific indicates that it did not become aware of
11 Diversified's intervention request until after the June 6, 2005 intervention deadline, and if
12 Diversified's intervention is denied Standard Pacific will withdraw its request for intervention.

13 On June 20, 2005, Mr. Sallquist on behalf of Johnson filed Objections to Staff Report setting
14 forth areas of disagreement with Staff's recommendations.

15 On June 20, 2005, Diversified filed a Request for Additional Time to File Comments to Staff
16 Report. Diversified states that it has engaged in discussions with Johnson in an effort to resolve
17 certain outstanding disputes and is hopeful a resolution will be reached in the near future. Diversified
18 indicates that if an agreement is reached with Johnson, it would be prepared to file comments to the
19 Staff Report by June 30, 2005. However, if no resolution is achieved, Diversified seeks at least 45
20 additional days to conduct discovery and file comments to the Staff Report.

21 IT IS THEREFORE ORDERED that Jay Shapiro and the firm Fennemore Craig, P.C., are
22 authorized to withdraw as counsel for Johnson Utilities Company in this proceeding and Richard
23 Sallquist of the firm Sallquist & Drummond, P.C., shall be authorized to appear on behalf of Johnson
24 Utilities Company.

25 IT IS FUTHER ORDERED that the Application to Intervene filed by Diversified Water
26

27 ¹ Standard Pacific's intervention request was filed by Patrick J. Black of the firm Fennemore Craig, P.C., which is seeking
28 to withdraw as counsel for Johnson Utilities Company. Mr. Black's pleading states that Standard Pacific and Johnson
"have provided the necessary written conflict waivers, [and] the outcome of the Application of Withdrawal of Counsel
should have no bearing on undersigned's [i.e., Mr. Black's] ability to act as counsel of record for StanPac in this
proceeding."

1 Utilities, Inc., is hereby granted.

2 IT IS FURTHER ORDERED that responses to the Application for Leave to Intervene filed by
3 Standard Pacific of Arizona, Inc., shall be filed by no later than June 28, 2005.

4 IT IS FURTHER ORDERED that responses to Diversified's Request for Additional Time to
5 File Comments to Staff Report shall be filed by no later than June 28, 2005.

6 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
7 Communications) applies to this proceeding as the matter is now set for public hearing.

8 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
9 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
10 hearing.

11 DATED this 21st day of June, 2005.

12
13 

14 DWIGHT D. NODES
15 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

16
17 Copies of the foregoing mailed/delivered
this 21 day of June, 2005 to:

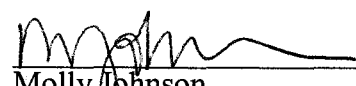
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Secretary to Dwight D. Nodes